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# UPDATE

## Health education funding advanced



Sen. Kate Sullivan introduces LB489, which seeks state funding for Nebraska's area health education centers.

Lawmakers gave first-round approval April 8 to a bill that would provide state funding for area health education center (AHEC) programs in Nebraska.

Cedar Rapids Sen. Kate Sullivan, sponsor of LB489, said the state has five AHECs that serve all of Nebraska's 93 counties. AHECs are private, nonprofit health education centers that have cooperative agreements with the University of Nebraska

Medical Center and identify and implement strategies to address health care workforce needs in underserved urban and federally designated rural or nonmetropolitan communities, she said.

Sullivan said 49 Nebraska counties are federally designated shortage areas, either in whole or in part, and 71 are designated as medically underserved. Several factors exacerbate shortages, she said, including

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## Stream-clearing program could be extended

A program providing grants for noxious weed control in river basins would be extended for four years under a bill advanced to select file April 6.

Introduced by Holdrege Sen. Tom Carlson, LB98 as amended would extend the sunset date from 2009 to 2013 for a grant program annually offering \$2 million to weed control entities and natural resources districts to combat invasive species in fully appropriated or overappropriated river basins.

The bill also would provide for a four-year extension of the Riparian Vegetation Management Task Force and a one-time transfer of \$500,000 from the Buffer Strip Incentive Cash Fund to the Noxious Weed and Invasive Species Assistance Fund.

Finally, the bill would require the director of the state Department of Agriculture, who administers the vegetation control program, to apply for grants from the Nebraska Environmental Trust Fund and the USDA Natural Resources Conservation Service.

Carlson said most of the additional 80,000 acre-feet of water provided to Kansas from compact compliance efforts can be credited to vegetation removal, which has substantially lessened Nebraska's potential liability to Kansas at a relatively low cost.

Omaha Sen. Tom White offered, and later withdrew, an amendment that would have divided the cost of the vegetation control program among

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# A CLOSER LOOK.....

## Health education funding advanced

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an aging workforce, high turnover, lower pay and lack of advancement opportunities.

Nebraska's AHECs serve as a pipeline for health care worker recruitment, Sullivan said, and currently are funded through federal, local and private dollars. Nebraska AHECs have never received general fund dollars. Because of upcoming changes to the structure of the federal funding, the facilities will need additional funds to continue serving Nebraska's needs, she said.

Each AHEC receives six years of initial federal funds, Sullivan ex-

plained, and then must wait until all AHECs in a state lose funding before they are eligible to once again receive federal funding. Since the state's AHECs opened at different times, they are on a staggered schedule to receive new funding, she said.

Sullivan said her goal is to provide enough general fund dollars to keep all of the state's health education centers functioning until federal funding resumes.

"AHECs will recruit young people from all walks of life into a variety of health care professions," Sullivan said. "We aren't asking to create new programs with this bill. We simply want to keep a good program that does good things."

A committee amendment, adopted 31-0, expanded the bill's evaluation provisions. As amended, the bill would require AHECs to conduct annual evaluations and provide data to the governor and the Legislature on:

- participation in any program developed, implemented or facilitated by AHECs, including how many participants enter health-related professions and which professions they enter;
- how many participants remain in Nebraska and provide health care services to underserved areas and populations; and
- the number and type of continuing education programs offered by AHECs, the level of participation in each such program and the number of continuing education hours awarded.

"They are going to be accountable," Sullivan said. "The evidence will be there."

LB489 also would require the

Legislature's Health and Human Services and Appropriations committees to evaluate the effectiveness of the state's AHECs after five years and make recommendations regarding continued funding.

The bill would sunset June 30, 2014.

Sen. Mike Gloor of Grand Island said AHECs play an important role in the state's overall health care strategy by training and supporting health care providers. Without qualified individuals to provide services, he said, there would be little point in investing funds in Nebraska's health care programs.

"This is a critical issue," Gloor said. "This needs to be a priority."

Platte Center Sen. Arnie Stuthman agreed, saying AHECs have been instrumental in developing Health Occupation Students of America. The organization promotes health care career opportunities for Nebraska high school students, he said.

"It allows students with an interest in health care to excel in leadership and gain the expertise needed," Stuthman said.

Under the bill's original fiscal note, Nebraska's AHECs would receive \$400,000 in fiscal year 2009-10 and \$500,000 in FY2010-11 from the state's general fund.

Sullivan offered an amendment to LB489's appropriation bill, adopted 27-0, which would reduce the general fund request to \$198,000 in FY2009-10 and \$297,000 in FY2010-11.

She said the changes reflect an appreciation of the state's difficult economic situation.

LB489 was advanced to select file on a 27-0 vote.

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# A CLOSER LOOK.....

## Stream-clearing program could be extended

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landowners with property adjoining treated river basins. Though LB98 has the admirable goal of clearing invasive species from riverbeds, he said, the bill ignores a statute enacted in 1911 that places the responsibility for vegetation removal on landowners.

“Why should the taxpayer have to pay to remove trees so an individual can make a greater profit pumping public groundwater?” White asked.

Cortland Sen. Norm Wallman also offered an amendment that he later withdrew. His amendment would have required landowners to provide matching funds for the vegetation control grant program.

“Responsibility is important for us who have land across the rivers, because it’s worth more and it will sell off for a lot more,” Wallman said.

LB98 advanced to select file on a 35-3 vote.



*Sen. Tom Carlson describes the success of the state’s vegetation management program.*

## Seeking future state leaders

The **Unicameral Youth Conference** is a four-day legislative simulation for students entering grades 9-12. Students experience the entire legislative process as youth senators, including introducing bills, conducting committee hearings and discussing legislation through three rounds of debate.

The 2009 conference takes place at the Nebraska State Capitol and the University of Nebraska-Lincoln **June 7 - 10**.

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**“I learned that being part of the Legislature is a challenging but fun experience.”**  
 -Former participant



# ISSUES UPFRONT



## Business & Labor

### Peace officer complaint procedures amended, advanced

Lawmakers gave second-round approval April 6 to a bill that would guarantee procedural safeguards for peace officers during formal administrative investigations.

Omaha Sen. Tom White, sponsor of LB158, said the bill would set minimum guidelines and standards for dealing with citizen complaints about police officer misbehavior.



Sen. Tom White

As introduced, the bill would have detailed the procedures to be followed.

However, Norfolk Sen. Mike Flood said negotiations between the first and second round of debate resulted in a rewriting of LB158. He offered an amendment that became the bill on a 41-0 vote.

As amended, the bill would require villages, second-class cities and sheriff's offices to adopt rules and procedures for the suspension, demotion or removal of any police officer or deputy sheriff, with or without pay, upon a written accusation.

Under the bill, the rules and procedures would be required to:

- include provisions for giving notice and a written copy of the accusation to the officer;
- establish the officer's right to have an attorney present at



all hearings and proceedings regarding the accusation;

- authorize both parties, or their attorneys or representatives, to record all hearings and proceedings; and
- establish an appeal process.

The bill's provisions would not apply to an officer or deputy sheriff during his or her probationary period.

LB158 also would prohibit:

- disclosure of a peace officer's personal financial records unless pursuant to a valid search warrant or subpoena;
- inclusion of any disciplinary action in a peace officer's records unless the officer has received a written copy of such action;
- public release of a photograph of a peace officer who is the subject of an investigation without written permission from the officer; and
- threat of or actual retaliation against or discharge of a peace officer for exercising his or her rights as outlined in a municipality or county's investigation rules and procedures.

Flood said the measure represents a compromise between the Fraternal Order of Police, the League of Nebraska Municipalities, the Nebraska Association of County Officials and the Nebraska Sheriffs' Association.

"What should happen between general and select [file] did happen in this case," Flood said. "This is the result of the parties' agreement."

White said he fully supported the amendment and appreciated Flood's efforts. While the resulting legislation is not ideal, he said, it does send the right message.

"It is an absolute clear statement to our police officers of how important their jobs are," White said.

Hastings Sen. Dennis Utter questioned whether the bill was a way for the Legislature to shift responsibility to local-level entities.

"This looks like a mandate that the Legislature is passing back to the cities and villages of the state," he said. "I'm just questioning the real need for doing this."

But Flood said smaller communities in particular are in need of written policy because officers easily can become entangled in difficult situations simply by doing their job. For example, an officer may issue a ticket to a powerful or politically connected individual, Flood said.

"Sometimes retaliation takes place against the officer," he said. "The law of the state needs to be respected and it needs to be followed."

Sen. Tim Gay of Papillion said small communities should receive assistance in drafting their policies.

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“That’s a big task,” Gay said. “I think it’s important that we make sure there is help out there for these small agencies”

Senators advanced LB158 to final reading on a voice vote.

## Education

### Scholarship changes advanced to reflect state constitution

Senators advanced a bill April 8 that would remove the mention of race, ethnicity and culture from a diversity-based state scholarship program.

Omaha Sen. Brenda Council, sponsor of LB440, said the bill would harmonize the state’s Student Diversity Scholarship Program Act with the state constitution, which was amended by voters last November to prohibit racial and gender preferences in public admissions and hiring decisions.



Sen. Brenda Council

Council said removing the mention of race, ethnicity and culture would make the act constitutional. She noted that other factors such as economic and geographic diversity could be considered for the scholarship.

Ewing Sen. Cap Dierks supported the bill. As tuition costs rise, he said, it is important to ensure access to scholarships.

“If we can do anything to help reduce those tuition costs, it’s in the best interest of all the citizens,” Dierks said.

Senators adopted a technical Education Committee amendment 34-0 and advanced LB440 to select file on a 35-0 vote.

### Bill would forgive loans for more teachers

Senators advanced a measure April 6 that would forgive some educational loans for teachers who pursue graduate degrees.

LB547, introduced by York Sen. Greg Adams, would change the way \$1 million of lottery funds are used in a teacher loan forgiveness program. Currently, the Attracting Excellence to Teaching program provides forgivable education loans to teachers who work in areas of high need as established by the state Department of Education.



Sen. Greg Adams

The bill would allow \$600,000 of the funds to be used for teachers pursuing graduate degrees. Adams said teachers are able to increase their salaries by acquiring graduate degrees. However, many teachers cannot afford graduate school tuition, so they leave the teaching profession because their salaries are too low, he said.

Under the bill, the graduate degree would have to be within the teacher’s endorsed area and teachers would have to commit to staying in the teaching profession for at least two years.

Adams offered an amendment that would increase from \$300,000 to \$400,000 the amount available for undergraduate loan forgiveness. Adams said \$600,000 still would be available for graduate degree loan forgiveness.

Adams’ amendment was adopted on a 36-0 vote.

Lincoln Sen. Tony Fulton offered an amendment that would extend

more loan forgiveness to individuals who teach in private schools that meet certain poverty standards. Fulton said his amendment would make the loan program more consistent.

Fulton’s amendment was adopted on a 32-2 vote and LB547 advanced to final reading on a voice vote.

## General Affairs

### Lottery fund distribution change proposed

Lawmakers advanced a measure April 8 that would remove a sunset date from provisions directing the distribution of state lottery monies to lottery beneficiary funds.

Beneficiary funds receiving transfers from the State Lottery Operation Trust Fund are the Education Innovation Fund, Nebraska Scholarship Fund, Nebraska Environmental Trust Fund, Nebraska State Fair Board and the Compulsive Gamblers Assistance Fund.

The current transfer rate is set at an amount no less than the dollar amount transferred to the beneficiary funds in fiscal year 2002-03. That amount would change on July 1, 2009 to at least 25 percent of the dollar amount of lottery tickets sold on an annualized basis.

LB286, introduced by Wilber Sen. Russ Karpisek, would remove the sunset date and provide that the amount transferred be the greater of the dollar amount transferred in FY2002-03 or at least 22 percent, but not more than 25 percent, of annual lottery ticket



Sen. Russ Karpisek

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sales.

Karpisek said the bill would provide the state some discretion regarding beneficiary payments, rather than committing Nebraska to a 25 percent distribution rate. If the law is not changed, he said, the state might need to decrease lottery prize amounts to guarantee adequate funds for transfer. Such a move likely would reduce revenues and eventually result in lower payments to beneficiaries, Karpisek said.

The bill also contains a provision stating that the tax commissioner and lottery director could authorize a transfer exceeding 25 percent of sales if funds are available.

LB286 advanced to select file on a vote of 33-0.

## Senators amend, advance cigar bar exemption

Lawmakers adopted two amendments and defeated several more before giving second-round approval April 6 to a bill that would allow a cigar bar exemption to the statewide smoking ban passed last year and set to take effect June 1, 2009.

LB355, introduced by Omaha Sen. Scott Lautenbaugh, would allow an exemption for cigar bars that hold a Class C liquor license and earn at least 10 percent of their gross revenue from the sale of cigars and other tobacco-related products, excluding cigarettes.



Sen. Scott Lautenbaugh

The bill also would:

- prohibit cigar bars from selling food;
- require that a walk-in humidor be on the premises;

- prohibit counties and cities from passing resolutions or ordinances prohibiting smoking in cigar bars; and
- require that proof of qualifying revenue be submitted to the Nebraska Liquor Control Commission.

Lincoln Sen. Bill Avery offered an amendment that would prohibit cigarette smoking in cigar bars. Avery said several bar-owning constituents had contacted him, concerned about losing customers to cigar bars where individuals could smoke cigarettes indoors.

Without the amendment, Avery said, there would be nothing unique about cigar bars that would merit an exception to the ban.

“Otherwise, it’s just a bar where people go to smoke cigarettes and drink alcohol,” he said.

Lautenbaugh opposed the amendment, saying it would require cigar bar owners and employees to police their smoking customers.

“This is a very clear enforcement problem,” he said.

The Avery amendment was adopted 25-19.

Lautenbaugh offered his own amendment, which he said would tighten the cigar bar exception. The amendment would require a \$1,000 non-refundable cigar bar application fee and prohibit discounting alcohol in conjunction with cigar sales.

He said the latter provision would prevent cigar bar owners from manipulating their revenue streams in order to meet the required 10 percent of gross revenue from the sale of cigars and tobacco-related products necessary to qualify for the exemption.

The amendment was adopted 32-0.

An amendment offered by Hastings Sen. Dennis Utter would have prohibited anyone under the age of

19 from entering a cigar bar.

Lautenbaugh opposed the amendment, calling it “fairly absurd,” given that the legal age to purchase a cigar in Nebraska is 18.

The amendment failed on a 20-22 vote.

Senators also declined to adopt amendments offered by Sen. Tim Gay of Papillion and Sen. Arnie Stuthman of Platte Center.

The Gay amendment, defeated 16-24, would have prohibited the sale of cigarettes in cigar bars and the Stuthman amendment, defeated 5-26, would have changed the bill’s terminology from “cigar bar” to “smoking bar.”

LB355 was advanced to final reading 28-16.

## Judiciary

### Firearm ban on campuses clarified

Senators amended a bill April 7 that would allow the concealed carry of handguns statewide to clarify that firearms are not allowed on college campuses.

LB430, introduced by Imperial Sen. Mark Christensen, would nullify all city and village ordinances, permits and regulations regulating the ownership, possession and transportation of concealed handguns. Christensen said the bill would remove inconsistencies in conceal and carry policies across the state.



Sen. Mark Christensen

Lincoln Sen. Bill Avery offered an amendment that would allow universities to prohibit firearms by expand-

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ing the definition of schools. Under the amendment, schools would include private postsecondary career schools, community colleges, public or private colleges, junior colleges, universities and any other educational institutions.

“It’s not a significant change,” Avery said. “It’s a clarification of current law.”

Kearney Sen. Galen Hadly supported the amendment, recalling an experience he had as a university professor.

“One of the scariest moments in my life was when a student walked into my office, pulled a gun out of his pocket, laid it on the desk and wanted to talk about his grade,” he said.

As amended, LB430 would allow a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns. Military personnel permanently stationed in Nebraska would be considered residents for the purpose of concealed handgun permits.

Concealed handgun permits from other states would be recognized under the bill. Recognized states would have to require standards equal to or greater than the standards as determined by the Nebraska attorney general.

Lawmakers adopted Avery’s amendment 29-0 and the Legislature adjourned before taking further action on LB430.

## Natural Resources

### Bill would change livestock waste management law

Senators advanced a bill April 9 that would change regulations relating to waste discharge violations.

LB56, introduced by Valentine Sen. Deb Fischer, would consider violations of the Livestock Waste Management Act on a facility-by-facility basis.

Currently, if one facility is found to be in violation, all facilities in partnership with that facility are served with violations.

The bill also would change the current Nebraska Department of Environmental Quality legal standard for a violation from negligence to willful negligence. Under the bill, the department could use discretion when considering applicants for National Pollutant Discharge Elimination System permits. Currently, permit application rejection and permit revocation are mandatory for applicants from facilities with three violations, Fischer said.

Fischer emphasized that LB56 would not diminish any environmental protections.

“We live on the land, we take care of the land, and this bill doesn’t change that,” she said. “It recognizes that perhaps the law has been stringent and perhaps we do need to look at the real world today and how we can help young farmers.”

The Natural Resources Committee offered an amendment that would change the bill’s standard for a violation back to negligence. Schuyler Sen. Chris Langemeier said the willful negligence standard would be too difficult to prove. The amendment also would increase the number of discharge violations from three to five that a producer must commit before being deemed unsuited to hold a permit.

The amendment was adopted on



Sen. Deb Fischer

a 32-0 vote.

Ewing Sen. Cap Dierks questioned the need for the bill, saying no permit holder has ever received more than one violation.

But Ogallala Sen. Ken Schilz disagreed.

“I don’t care if it’s one strike or two strikes,” he said. “If it’s against me, I don’t like it.”

LB56 advanced to select file on a 34-3 vote.

### Biotech plan proposal receives first-round approval

A strategic plan to develop the state’s biotechnology industry would be adopted under a bill advanced to select file April 8.

LB246, introduced by Fullerton Sen. Annette Dubas, would provide funding for the study. It defines biotechnology as a technological application that uses biological systems, living organisms or their derivatives to make or modify products or processes.



Sen. Annette Dubas

“This is looking to fund a plan to understand where we’ve been, where we are and where we want to go,” Dubas said.

The Natural Resources Committee offered an amendment, adopted 30-0, which rewrites the bill. The amendment charges the committee with developing a statewide strategic plan that includes:

- a baseline review and assessment of the state’s biotechnology economic potential;
- a strategic plan for the state’s efforts to create related wealth and jobs;
- estimates of the wealth and

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number of jobs that could be generated; and

- strategies for development, including research, testing, agricultural feedstock and chemicals, drugs and other pharmaceuticals, medical materials, medical laboratories and advanced biofuels.

The committee, in consultation with the Legislature's Executive Board, would commission a nonprofit corporation to provide research, analysis and recommendations for the development of the plan. The selected nonprofit must agree to provide \$100,000 to fund the research and present a study to the committee by June 30, 2010.

The committee, in turn, would provide a statewide strategic plan in the next legislative session.

Finally, the bill as amended would create the Biotechnology Development Cash Fund, which would receive a \$100,000 appropriation to fund the plan's development in fiscal year 2009-10.

The original bill would have allocated \$200,000 to the fund and charged the Biopower Steering Committee with the study.

The biotech industry is one of the fastest growing sectors in the economy, Dubas said, adding that biotech jobs pay 65 percent more than average private sector employment. If the state is able to develop this industry, she said, subsequent investment and job creation will grow the tax base.

Tekamah Sen. Kent Rogert spoke in support of LB246. The bill would outline strengths and weaknesses of the state in regard to the biotech industry, he said, and that information could be used to foster development.

LB246 advanced to select file 31-0.

## Metering policy for renewable energy advances

Renewable energy producers would receive more uniform compensation from their electric utilities under a bill receiving first-round approval April 9.

LB436, introduced by Malcolm Sen. Ken Haar, would implement a statewide net metering policy. Net metering is a process by which a utility provides credits for electricity generated to a consumer with renewable energy production capacity.

Under Haar's bill, consumers would be credited at a retail rate for up to 125 kilowatt-hours they produce during an annualized period. After the 125-kilowatt threshold is met, consumers would be compensated at a wholesale rate for additional electricity generated. Utilities would not be required to accommodate additional customer-generators after total capacity of all customer-generators meets or exceeds 2 percent of customer peak demand for that year.

LB436 provides a statewide uniform net metering policy for residential energy generators, which Haar said will facilitate energy self-reliance. Forty-two other states and the District of Columbia have adopted net metering laws, he said.

The Natural Resources Committee offered an amendment that would guarantee net metering only for generators with a rated capacity less than 25 kilowatts. In addition, the threshold at which utilities can refuse to add additional customer-

generators would be lowered from 2 percent of customer peak demand to 1 percent.

The committee amendment also would require customer-generators to pay the costs borne by utilities to connect their renewable energy generators. Utilities would, however, be responsible for providing to customer-generators a free metering system that monitors electricity flow in both directions.

Haar said he supported the amendment, although he had hoped for a higher kilowatt limit.

"I think we have to crawl before we walk, and that is the basis for this compromise resolution," Haar said.

Ewing Sen. Cap Dierks said the bill as amended would provide a good starting point for net metering, a concept which has eluded a compromise agreement for many years.

Fullerton Sen. Annette Dubas also supported the bill, saying the implementation of net metering is critical for renewable energy production in Nebraska.

"I just don't think we have the luxury of inaction anymore," Dubas said.

Lawmakers voted 45-0 to both adopt the amendment and advance the bill to select file.



Sen. Ken Haar

## Retirement

### County and state retirement changes clear first round

Senators advanced a bill April 9 that would make several changes to provisions of the state retirement system. LB188 was introduced by Louisville Sen. Dave Pankonin at the request of the Nebraska Public Em-

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ployees Retirement System (NPERS).

Among other provisions, the bill would extend two timelines for state and county retirement plan members.



Sen. Dave Pankonin

Members who have earned credit in another Nebraska government plan would have 180 days to apply for vesting credit under the bill. The current window is 30 days. The window of opportunity for beneficiaries to file death benefit applications under state and county plans would increase to 180 days from the current 120 days.

The bill also stipulates that state and county members who were employed and participating in a retirement system prior to Jan. 1, 2003, who terminate but return to work after 120 days but before five years have transpired, will be enrolled in the cash balance benefit plan.

LB188 would provide a one-year moratorium on required minimum distributions for members of defined contribution plans who have terminated and reached the age of 70 1/2 in 2009.

Pankonin said the moratorium is intended to assist plan members harmed by recent stock market downturns.

The bill also would allow state plan members to transfer an account to a deferred compensation plan after terminating employment.

Finally, the bill would clarify that employee records received by NPERS and used to administer retirement systems would not be subject to the public records act.

A Nebraska Retirement Systems Committee amendment incorporated LB81, introduced by Omaha

Sen. Jeremy Nordquist, into the bill. LB81 would increase a state patrol plan member's contribution rate from 13 percent to 15 percent of monthly compensation beginning July 1, 2009. The employer contribution rate would remain at 15 percent.

Nordquist said the change will help close an \$800,000 shortfall in the Nebraska State Patrol's plan and decrease the state's general fund liability for this fiscal year.

Lawmakers adopted the amendment 40-0 and advanced the bill to select file 42-0.

## Revenue

### State-conducted property valuations could end

The nine counties receiving property valuation services from the state would resume assessment responsibilities under a bill advanced to final reading April 6.

LB121, introduced by Lexington Sen. John Wightman, would require Dakota, Dodge, Garfield, Greeley, Harlan, Hitchcock, Keith, Saunders and Sherman counties to reimburse the state for the costs associated with valuations until they reassume assessment services. Starting in 2010, reimbursement would begin at 25 percent and would grow 25 percent annually until the counties assume 100 percent of cost in 2013.

The bill includes exceptions for budget limits and levy lids to help counties

pay for the new expenses. In addition, LB121 would permit noncontiguous counties to pursue interlocal agreements for joint assessment.

During select file debate, Wightman offered an amendment that he said would provide a "softer landing" for counties. His amendment would provide for the transfer of equipment and property used by the state to perform the county assessments and address the transfer of state employees to county employment. Employees would be compensated for accrued vacation leave and 25 percent of sick leave and could participate in the county's insurance program without being affected by a waiting period or preexisting condition provision.

Wightman said it would be easier to compensate employees for their leave instead of transferring their state benefits to the appropriate county's benefit package.

South Sioux City Sen. Robert Giese said he supported Wightman's amendment, but opposed the underlying bill. He said the bill would serve as a precedent for the state offering programs that it does not commit to fund long-term.

"The nine counties that originally signed up for this program are being punished by the state not funding this program," Giese said.

Cedar Rapids Sen. Kate Sullivan also expressed support for the amendment and displeasure with LB121. The amendment provides protection for state employees transferring to counties, she said, but the bill does not provide guarantees that employees will still have their jobs when the transfer is complete.

Wightman's amendment was adopted 44-0, and the bill advanced to final reading on a voice vote.



Sen. John Wightman

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## Long-term care insurance tax break considered

A portion of premiums paid on a long-term care insurance policy would be eligible for an income tax credit under a bill advanced April 8.

Sponsored by Papillion Sen. Tim Gay, LB159 would allow a nonrefundable income tax credit equal to 25 percent of premiums paid for long-term care insurance policies. The credit could not exceed \$250 for an individual policy and \$500 for a joint policy. The credit could be claimed for a maximum of three years and an unused credit could not be carried forward to the next tax year.

A taxpayer could not use the credit if he or she used the adjustment to federal adjusted gross income as a participant in the Nebraska long-term savings plan for the same year.

Over two days of debate, senators agreed on the value of long-term care insurance but differed on whether Nebraska can afford a reduction in tax revenue given the state's current economic situation.

Gay acknowledged that the bill's fiscal note indicates a loss of revenue of up to \$1 million in the first year of implementation, but said the state must be prepared to pay now or pay later. Incentivizing policies now will help curb the rising costs of Medicaid, Gay said, which are projected to consume the majority of state budget dollars by 2025. Twenty-nine states and the District of Columbia have similar programs, he said.

"We cannot just completely ignore future problems," Gay said.

Holdrege Sen. Tom Carlson



Sen. Tim Gay

agreed.

"We're heading toward a time when we don't have any money for other services," he said. "Whatever we can do to help people make the decision to take care of themselves is the right thing to do."

But Valentine Sen. Deb Fischer questioned whether the bill would help those who might otherwise rely on Medicaid for their long-term care needs.

"People who can afford to buy long-term care insurance won't be coming to the state for help," she said. "We're just rewarding them for having the means to already take care of themselves."

Fischer reminded senators of the difficult budget debate ahead, and asked them to consider what they would be willing to trade to offset the bill's tax incentives in order to achieve a balanced budget.

"What program do you want to deduct a million dollars from?" she asked.

But Carlson urged lawmakers not to avoid making difficult choices.

"I think this might be a danger of term limits," he said. "We put off doing today what we ought to do ... and then we're gone. Failure to plan ahead is poor policy."

Sen. Colby Coash of Lincoln, who prioritized LB159, said Nebraska must reduce Medicaid costs in order to pay for other major obligations, such as services for children with behavioral health problems.

"Every dollar we save can go toward helping someone else," he said.

Hastings Sen. Dennis Utter called LB159 "a good piece of legislation," but cited continued dreary economic news as evidence that now is not the time for the Legislature to authorize a tax credit.

"[LB159] will also be a good bill when recovery is in sight," Utter said. "And I don't think recovery is in sight. I think we're probably a long way from the bottom."

Sen. Steve Lathrop of Omaha urged support for the bill, saying the cost of nursing home care is enough to wipe out the nest eggs of most middle-class people.

"This isn't just a rich person's insurance product," he said. "It's good policy and it's an investment for the state."

The bill advanced to select file on a 34-0 vote.

## Sales tax exemption for health clinics advanced

Health care clinics owned by a single nonprofit hospital would be exempt from sales and use taxes under a bill advanced to select file April 7.

LB420, introduced by Kearney Sen. Galen Hadley, would permit nonprofit health clinics and health care practitioner facilities owned by at least one nonprofit hospital to claim sales and use tax exemption. Current statute requires that a clinic be owned by two or more hospitals or parent corporations to be eligible.

The Revenue Committee offered an amendment to the bill, adopted 35-0, that would clarify what health care entities would be exempt from sales tax. It also would define nonprofit health clinic for the purposes of the bill.

Hadley said health care clinics owned by one nonprofit hospital were once exempt but were notified by the state Department of Revenue



Sen. Galen Hadley

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that they are now subject to sales tax. Only one clinic in the state is owned by two or more nonprofit hospitals, Hadley said.

Nonprofit health clinics, which generally operate at a loss, help ensure affordable health care across the state, he said.

Bellevue Sen. Abbie Cornett said the bill would not expand or reduce the tax base, as there is already public policy in place to exempt nonprofit health care.

“We as a state have historically not taxed nonprofit licensed health care, and we do not wish to tax nonprofit [entities],” Cornett said.

Grand Island Sen. Mike Gloor supported the bill. Without LB420, he said, the facilities will not be able to make up costs based on increased fees, because Medicaid and Medicare have nonnegotiable payments.

“The impact of the enforcement of this statute ... would be disastrous for these rural clinics,” Gloor said.

Senators voted 37-0 to add an emergency clause to LB420 and advanced the bill to select file 38-0.

## Transportation & Telecommunications

### Ignition interlock permit updates advance

The process for issuing ignition interlock permits to those convicted of DUI offenses would be modified under a bill receiving first-round approval April 9.

LB497, introduced by Lincoln Sen. Tony Fulton, would make technical changes to legislation passed last year implementing ignition interlock devices to reduce drunk driving

recidivism. Among other provisions, the bill would allow those with two or more DUI convictions to apply for an ignition interlock permit and decrease the blood-alcohol concentration limits for the devices from .08 to .03.

Fulton said the bill provides clear guidelines for administering the permits and harmonizes the process with federal regulations enacted last year.

The Transportation and Telecommunications Committee offered an amendment, adopted 37-1, that would replace the bill and make various technical changes. Modifications include a 45-day waiting period for those convicted of second or subsequent DUI offenses before they can be eligible for an ignition interlock permit.

Valentine Sen. Deb Fischer said the state risks losing federal funds if it does not adopt the mandated provisions.

Omaha Sen. Brenda Council offered an amendment to the committee amendment that would retain funds currently used to pay for interlock devices for DUI violators found to be indigent. The committee amendment would have diverted these funds to the state Department of Roads highway safety education program.

Omaha Sen. Tom White said the committee amendment would create constitutionality and fairness issues without Council’s amendment. If funding is no longer provided to indigent persons who cannot afford ignition interlock devices, low-income DUI violators, who risk losing their jobs if they are unable to drive, would



Sen. Tony Fulton

face a disproportionate penalty compared to wealthy offenders.

“All citizens are equal before the law,” White said. “The presence or absence of money should never be allowed to change the nature or severity of a sentence.”

Omaha Sen. Brad Ashford said he understood why people would object to the idea of providing funds for someone else’s ignition interlock device, but said the current program is needed to ensure all citizens can access the permit program.

“If they can’t afford the interlock, if they can’t access the benefits of this law, it will have a dramatic effect on them,” Ashford said.

Ellsworth Sen. LeRoy Loudon expressed opposition to Council’s amendment.

“If you start paying for this ignition interlock device for people who say they can’t afford it, are you then going to have to pay for any alcohol treatment they go to?” Loudon asked.

Council’s amendment was adopted 32-6 and LB497 advanced to select file 30-2.

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# ...GUIDE TO LEGISLATIVE TERMS

**“A” Bill** - see Appropriation Bill.

**Amendment On File** - an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk’s Office (Room 2018).

**Amendment Printed Separate** - an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1102).

**Appropriation Bill (“A” Bill)** - a bill to appropriate funds to finance another bill bearing the same number.

**Attorney General’s Opinion** - a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

**Bill** - see Legislative Bill.

**Bracket** - to delay consideration of a bill.

**Call of the House** - a procedure used to compel attendance of unexcused senators in the chamber.

**Carry-over Legislation** - bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

**Chair** - the presiding officer.

**Cloture** - a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after eight hours of debate on most bills and after 12 hours on appropriation bills introduced by the Appropriations Committee.

**Constitutional Amendment Resolution** - a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution, or petition Congress about amending the U.S. Constitution. State CA resolutions have the suffix “CA” by the resolution number, and they must be approved by the voters as well as the Legislature.

**Consent Calendar** - a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

**“E” Clause** - see Emergency Clause.

**E&R** - see Enrollment and Review.

**Emergency Clause (“E” Clause)** - a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides the governor’s veto.

**Engrossment** - the process of preparing a bill for Final Reading by incorporating all adopted amendments.

**Enrollment and Review (E&R)** - the process of incorporating adopted amendments into a bill and reviewing the bill for technical and grammatical accuracy.

**Executive Session** - a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

**Final Reading** - the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote without debate on whether to submit the bill to the governor.

**Fiscal Note** - a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

**Floor** - the area of the legislative chamber where the senators sit. When a committee advances a bill “to the floor,” that means the bill is being sent to the full Legislature for consideration.

**General File** - the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

**Hearing** - a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

**House Under Call** - the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

**Indefinitely Postpone (IPP)** - to kill a bill.

**Interim** - the period between regular legislative sessions.

**Interim Study Resolution** - a resolution authorizing a committee to study an issue following adjournment of a legislative session.

**IPP** - see Indefinitely Postpone.

**Journal** - see Legislative Journal.

**Laws of Nebraska (Session Laws)** - bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state Constitution, and subject and section indexes.

**Legislative Bill (LB)** - a proposal to create, change or delete one or more laws.



**Legislative History** - the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate.

**Legislative Journal** - official record of legislative floor action, including all motions, the number of yeas and nays on each vote, etc.

**Legislative Resolution (LR)** - a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

**Line-Item Veto** - the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature.

**Machine Vote** - a vote taken by electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

**Major Proposal** - a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

**One-liner** - a one-line description of a bill or resolution.

**Override a Veto** - see Veto Override.

**President of the Legislature** - the lieutenant governor. While senators address whomever is in the chair as Mr. or Madame President, the lieutenant governor alone holds that official title.

**Presiding Officer** - the senator currently presiding over legislative proceedings.

**Priority Bill** - a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills, and the speaker may select up to 25 priority bills.

**Record Vote** - a vote on which a record is kept of how each senator voted. The vote is taken by electronic voting system, and the senators' names and corresponding votes are then printed in the Legislative Journal.

**Regular Session** - the annual session that begins the first Wednesday after the first Monday in January.

**Resolution** - see Legislative Resolution.

**Revisor Bill** - a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

**Roll Call Vote** - a vote during which the senators vote one at a time as the clerk reads their names. Senators

cast their votes verbally, and their names and corresponding votes may be printed in the Legislative Journal.

**Select Committee** - a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

**Select File** - the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

**Session** - a period of time, usually a number of days, during which the Legislature meets and transacts business.

**Session Laws** - compilation of all laws and constitutional amendment resolutions passed in a session.

**Sine Die** - without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

**Slip Law** - a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

**Speaker of the Legislature** - the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and who presides in the absence of the lieutenant governor.

**Special Committee** - a committee created by law for a specific reason. Except for the Executive Board, special committees have no jurisdiction over bills or resolutions.

**Special Session** - a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

**Standing Committee** - a permanent committee with a subject-matter jurisdiction related to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

**Summary Sheet** - a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

**Veto** - the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to either sign or veto a bill. The Legislature then has an opportunity to override the veto.

**Veto Override** - the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

**Voice Vote** - a vote in which senators cast their votes orally and no totals are recorded.

**Worksheet** - a list, prepared daily, that indicates the status of all bills and resolutions at the end of that legislative day.



# ISSUES UPFRONT.....

## Schilz transitions from outdoorsman to senator

**F**rom herding cattle to finding consensus, Sen. Ken Schilz has seamlessly transitioned from work in “Cowboy Capital” Ogallala to the Nebraska State Capitol.

“I came from riding horses every day, vaccinating cattle, hauling manure to spread for fertilizer and buying and selling cattle, to coming

down here and negotiating on bills and building relationships,” Schilz said.

“Sometimes the cattle are a little easier to get along with,” Schilz remarked with a laugh.

A number of Schilz’s interests involve the outdoors. An avid hiker, he enjoys backpacking in the

he owns numerous public affairs titles, he said his favorite books are fictional works written by authors such as J.R.R. Tolkien, Dean Koontz and Stephen King.

“I’ll read just about anything, but I read to escape, not to learn,” Schilz said.

Since moving from private citizen to public servant, Schilz said he has adjusted to a new dynamic in relationships with his friends who regularly testify at committee hearings.

“These are guys whom I would consider some of my mentors, and now they are looking at me as an expert,” Schilz said. “It still seems a little bit surreal.”

Humility is a virtue Schilz seems to naturally possess. When asked how it feels to be addressed as a senator, he erupted with a contagious laughter and said he still chuckles when people use his formal title.

“I feel very fortunate to be able to serve the people of my district and have them place their trust in me. It is a very humbling experience,” Schilz said.

Schilz said he employs an agreeable attitude and pleasant demeanor, whether he is at home working with cattle or at the Capitol working on legislation.

“I’ve always found that it is easier to attract the flies with honey than with vinegar,” Schilz said. “And that is the philosophy that I live by.”



The beginning of Sen. Schilz’s legislative career coincided with his 40th birthday.

Rocky Mountains. During one nine-mile hike, the senator ascended 3,000 feet, a accomplishment made even more impressive by the fact that the elevation for the base point of the hike was 2,000 feet higher than his hometown.

In his youth, his favorite outdoor activities revolved around Lake McConaughy.

“There aren’t many kids in Nebraska who can say they grew up as a beach bum,” Schilz said.

When Schilz is not in his outdoor element, he said he enjoys reading. Though

# CITIZEN VIEWS of the CAPITOL



S. Wesely 2008

photo by Scott Wesely, used with permission

Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers.

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